

## Message Text

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PAGE 01 STATE 013346  
ORIGIN L-03

INFO OCT-01 IO-13 ISO-00 ORM-02 INSE-00 /019 R

66011

DRAFTED BY L:ELKERLEY:DF

APPROVED BY L:ELKERLEY

ORM:JCARLIN

INS:MR.FARB(SUBST)

-----050258Z 074173 /72

R 050101Z JAN 77

FM SECSTATE WASHDC

INFO USMISSION USUN NEW YORK 3503

UNCLAS STATE 313346

FOR REIS FROM KERLEY

FOL REPEAT STATE 313346 ACTION GENEVA DTD 30 DEC.

QUOTE

UNCLAS STATE 313346

E.O. 11652:N/A

TAGS: SREF, UNHCR

SUBJECT: DRAFT CONVENTION ON TERRITORIAL ASYLUM

1. IN DEPARTURE FROM THE TEXT PREPARED BY THE GROUP  
OF EXPERTS ON TERRITORIAL ASYLUM, GENEVA, APRIL-MAY  
1975, (A/10177, ANNEX)THE U.S. DELEGATION WILL BE  
AUTHORIZED TO PUT FORWARD NEW DRAFTS OF ARTICLES  
3(1) AND 4 AS FOLLOWS:

ARTICLE 3(1):

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NO PERSON ENTITLED TO THE BENEFITS OF THIS  
CONVENTION WHO IS IN THE TERRITORY OR AT  
THE FRONTIER OF A CONTRACTING STATE SHALL  
BE SUBJECTED BY SUCH CONTRACTING STATE TO  
MEASURES SUCH AS RETURN, EXPULSION OR  
REJECTION AT THE FRONTIER, WHICH WOULD  
COMPEL HIM TO RETURN TO OR REMAIN IN A

TERRITORY WHERE HIS LIFE OR FREEDOM WOULD  
BE THREATENED FOR ANY OF THE REASONS STATED  
IN ARTICLE 2.

ARTICLE 4:

(1) A PERSON SEEKING ASYLUM AT THE FRONTIER  
OF A CONTRACTING STATE, IF REFUSAL TO AD-  
MIT HIM WOULD RESULT IN THE RETURN OF SUCH  
A PERSON TO A COUNTRY IN RESPECT OF WHICH HE  
HAS PUT FORWARD A PRIMA FACIE CLAIM OF  
PERSECUTION, SHALL BE ADMITTED PROVISIONALLY  
TO THE TERRITORY OF THAT CONTRACTING STATE.

(2) A PERSON ALREADY IN THE TERRITORY OF A  
CONTRACTING STATE WHO REQUESTS ASYLUM SHALL  
BE PERMITTED TO REMAIN IN THE TERRITORY OF  
THAT CONTRACTING STATE PENDING A DETERMINATION  
OF HIS REQUEST BY A COMPETENT AUTHORITY.

(3) A PERSON REQUESTING THE BENEFITS OF THIS  
CONVENTION SHALL NOT, FOR THE PURPOSES OF THE  
LAW OF THE CONTRACTING STATE, BE DEEMED TO  
BE IN THE TERRITORY OF THE CONTRACTING STATE  
CONSIDERING HIS REQUEST PENDING ITS DETERMINA-  
TION BY A COMPETENT AUTHORITY, UNLESS HE  
OTHERWISE HAS PERMISSION TO REMAIN.

2. THE MISSION IS REQUESTED TO INFORM THE UNHCR OF  
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THE POSITION THE USDEL WILL TAKE. TO THE EXTENT  
POSSIBLE, THE MISSION IS ALSO REQUESTED TO INFORM  
THE MISSIONS OF THE UK, AUSTRALIA, AUSTRIA, CANADA, FRG,  
ITALY, BELGIUM, NETHERLANDS, SWEDEN, NORWAY, DENMARK,  
FRANCE, JAPAN, AND SWITZERLAND. PLEASE INFORM DEPT.  
OF ANY REACTIONS.  
ROBINSON

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** POLICIES, AGREEMENTS, POLITICAL ASYLUM  
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**Copy:** SINGLE  
**Sent Date:** 05-Jan-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
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**Disposition Approved on Date:**  
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**Disposition History:** n/a  
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**Drafter:** ELKERLEY:DF  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Office:** ORIGIN L  
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**Original Handling Restrictions:** n/a  
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**Review Exemptions:** n/a  
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**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3655997  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** DRAFT CONVENTION ON TERRITORIAL ASYLUM  
**TAGS:** SREF, US, UNHCR  
**To:** USUN NEW YORK  
**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
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